

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BERNEST BENJAMIN,

Plaintiff,

vs.

No. CIV 14-0784 JB/SMV

JAMES JACKSON, LAWRENCE ARTIAGA,
and MICHAEL HOHMAN,¹

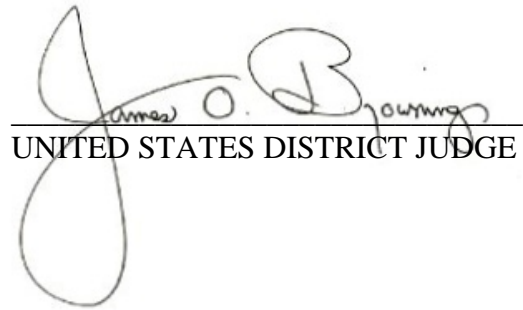
Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on the Order to Show Cause, filed June 16, 2016 (Doc. 49)(the “Order”). On June 16, 2016, the Court entered the Order directing Plaintiff Bernest Benjamin to show good cause within twenty-one days why the Court should not dismiss without prejudice his claims against Defendant James Jackson for failure to comply with the service provision of rule 4(m) of the Federal Rules of Civil Procedure. See Order at 1-2. Benjamin requested an extension of time to respond to the Order on July 8, 2016. See Motion for Extension of Time, filed July 8, 2016 (Doc. 50). The Court granted him an additional twenty-one days to respond. See Order Granting Plaintiff’s Motion for Extension of Time, filed July 11, 2016 (Doc. 51). That deadline has come and gone. As of this date, Benjamin has not effected service on Jackson or shown good cause why he has not effected service on Jackson.

IT IS ORDERED that Plaintiff Bernest Benjamin’s claims against Defendant James Jackson are hereby dismissed without prejudice.

¹The Defendants indicate that the correct spelling is “Hohman” rather than “Holman.” See Martinez Report on Behalf of Defendants Artiaga and Hohman at 1 n.1, filed November 23, 2015 (Doc. 19).



UNITED STATES DISTRICT JUDGE

Counsel and Parties:

Bernest Benjamin
Los Lunas, New Mexico

Plaintiff pro se

Nancy L. Vincent
New Mexico Corrections Department
Santa Fe, New Mexico

Attorney for the Defendants